

Notice of Allowability

Application No.

09/631,502

Examiner

Jessica R Baxter

Applicant(s)

BAGGA ET AL.

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 01 April 2004.
2. ☒ The allowed claim(s) is/are 7-28.
3. ☒ The drawings filed on 01 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 7-28 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The prior art of record fails to disclose or suggest a surgical device comprising a blade having a first cutting dimension defined between said first cutting edge and said second cutting edge; and a distraction structure having a first non-cutting surface and a second non-cutting surface, the distraction structure having a second non-cutting dimension defined between said first non-cutting surface and said non-cutting surface, said second non-cutting dimension being greater than said first cutting dimension. This limitation, in combination with all the limitations of claim 7, makes the claim allowable over the prior art.
4. The prior art of record fails to disclose or suggest a curette comprising a collecting element at said leading end of said blade, said collecting element including a collecting surface oriented to face the trailing end of the blade. This limitation, in combination with all of the limitations of claim 14, makes the claim allowable over the prior art.
5. The prior art of record fails to disclose or suggest a surgical device comprising first and second cutting edges and first and second distraction surfaces adjacent said first and second cutting edges; and said blade having a cutting height dimension extending between the first and second cutting edges and a non-cutting height dimension extending between the first and second distraction surfaces, wherein said non-cutting dimension is greater than said cutting height dimension. This limitation, in combination with all of the limitations of claim 22, makes the claim allowable over the prior art.

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6. The prior art of record fails to disclose or suggest a surgical device comprising a blade having first and second cutting edges separated by a first distance and first and second non-cutting surfaces separated by a second distance, said non-cutting surfaces being adjacent to said first and second cutting edges; and said second distance being larger than said first distance. This limitation, in combination with all the limitations of claim 24, makes the claim allowable over the prior art.

7. The prior art of record fails to disclose or suggest comprising a blade having first and second rounded distraction surfaces positioned at opposite sides of the axis of rotation, the distraction surfaces facing outwardly from the axis of rotation and being separated by a distraction dimension that passes through the axis of rotation; and the blade having first and second cutting edges positioned at opposite sides of the axis of rotation, the first and second cutting edges being separated by a cutting dimension that passes through the axis of rotation, the cutting dimension being less than the distraction dimension. This limitation, in combination with all of the limitations of claim 28, makes the claim allowable over the prior art.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R Baxter whose telephone number is 703-305-4069. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, McDermott or Shaver can be reached on 703-308-0858. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter
Examiner
Art Unit 3731

JRB
JRB

David O. Reip
DAVID O. REIP
PRIMARY EXAMINER